

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE:

EUGENE STAFFORD COX, JR.

CASE NO.: 18-73324-FJS

DEBTOR

CHAPTER 13

MOTION TO RELEASE HOLD ON ATTORNEY'S FEES

COMES NOW Debtor's Counsel, Courtney Thomas, and moves the Court for good cause shown to release the hold on the attorney's fees paid through the plan. In support of the Motion, Counsel shows the Court the following:

1. That the Debtor filed a Chapter 13 bankruptcy on September 21, 2018.
2. That the Debtor filed an Amended Plan on December 11, 2018.
3. That a confirmation hearing for the Amended Plan was scheduled for January 15, 2019.
4. That, on January 7, 2019, the Chapter 13 Trustee Michael P. Cotter filed an Objection to Confirmation of the Amended Plan.
5. That, on January 10, 2019, the Trustee withdrew the Objection.
6. That, on January 13th, Genene Gardner, the attorney scheduled to appear at the firm's January 15th confirmation hearings, emailed Trustee's counsel, Warren Uthe, about whether the Trustee intended to file his Statement recommending confirmation of Mr. Cox's plan.

Courtney J. Thomas, Esq., VSB#88572
The Merna Law Group, P.C.
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E-mail: cthomas@mernalaw.com

7. That, on January 14, 2019, Mr. Uthe promptly responded that the Statement would not be filed as the deadline had passed but that the Trustee would recommend confirmation at the scheduled hearing.
8. That Counsel for the debtor was copied in the abovementioned email and believed that Mr. Cox would have representation at his confirmation hearing.
9. That on January 14, 2019, Mr. Uthe indicated to Debtor's Counsel in a separate email exchange that he would cancel the hearing and send an order sustaining regarding Ms. Jones-Williams, another client of Counsel's who had a confirmation hearing set in the same docket as Mr. Cox. This email exchange originally included the names of both Mr. Cox and Ms. Jones-Williams in the subject line as Mr. Uthe initially inquired about the Trustee's objections to both debtors' plans.
10. That one of the paralegals who was copied in the exchange misread the cancelled hearing to be in reference to Mr. Cox' hearing and proactively updated the calendar to indicate the same by adding a note that the hearing was cancelled, and changing the color of the hearing from red (active) to gray (inactive) in our calendar system.
11. That the files for the January 15th hearings were prepared based on the active cases listed in the calendar which were all scheduled to be held at 10:30 am.
12. That Mr. Cox appeared for his 9:30 a.m. hearing without a representative.
13. That Genene Gardner appeared for all the hearings marked as active in our calendar system and therefore did not attend Mr. Cox's 9:30 a.m. hearing that was grayed

out as cancelled.

14. That Debtor's counsel acknowledges Mr. Cox did not receive adequate representation at the confirmation hearing.
15. That Counsel will be reducing attorney's fees by \$250 to account for Mr. Cox's time and stress at the hearing.
16. That Counsel met with Mr. Cox to discuss the hearing and the reduction in attorney's fees.
17. That Counsel and firm employees, in addition to being more vigilant, will implement a new policy that only allows attorneys to remove hearings from active to inactive status on the calendar system and that our office will check the court's docket before each hearing date.

WHEREFORE, debtor's counsel asks that this Court grant the Motion to release the hold on the attorney's fees.

Respectfully Submitted,

By /s/ Courtney J. Thomas
Attorney for Debtor

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion was transmitted electronically or sent by regular mail this 26th day of March, 2019 to John P. Fitzgerald, III, Office of the United States Trustee, Region 4-N, 200 Granby Street, Room 625, Norfolk, VA 23510; Michael P. Cotter, Chapter 13 Trustee, 870 Greenbrier Circle, Suite 402, Chesapeake, VA 23320; Eugene Stafford Cox, Jr., 508 Jacqueline Avenue, Virginia Beach, VA 23462; via certified mail to the parties of interest as listed below and to all other parties of interest as listed on the attached mailing matrix.

/s/ Courtney J. Thomas
Attorney for Debtor

Capital One Bank (USA), NA
Richard D. Fairbank, CEO
4851 Cox Road
Glen Allen, VA 23060

U.S. Bank, NA
Andrew Cecere, CEO
425 Walnut Street
Cincinnati, OH 45202

HSBC North America Holdings, Inc.
Patrick Burke
President & CEO
452 Fifth Avenue
New York NY 10018

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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IN RE:

EUGENE STAFFORD COX, JR.

CASE NO.: 18-73324-FJS

DEBTOR

CHAPTER 13

NOTICE OF MOTION

Courtney Thomas, Debtor for Counsel, has filed documents with the court to release the hold on her attorney's fees.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 21 days from the date of this motion you or your attorney must:

- ✓ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
600 Granby St., 4th Fl.
Norfolk, VA 23510

You must also mail a copy to:

Courtney J. Thomas, Esq., VSB#88572
The Merna Law Group, P.C.
3419 Virginia Beach Blvd., #236
Virginia Beach, VA 23452
Telephone: (757) 340-4895
Facsimile: (757) 340-4894
E-mail: cthomas@mernalaw.com

Courtney J. Thomas, Esq.
The Merna Law Group, P.C.
3419 Virginia Beach Blvd. #236
Virginia Beach, VA 23452

Michael P. Cotter
Chapter 13 Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320

John P. Fitzgerald, III
Office of the US Trustee - Region 4 -N
200 Granby Street, Room 625
Norfolk, VA 23510

Eugene Stafford Cox, Jr.
508 Jacqueline Avenue
Virginia Beach, VA 23462

() Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing relief requested, the court may grant the relief without holding a hearing.**

() Attend the hearing on the motion scheduled to be held on

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 26, 2019

Signature, name, address and telephone
number of person giving notice:

/s/ Courtney J. Thomas
Courtney J. Thomas, Esq., VSB#88572
3419 Virginia Beach Blvd., #236
Virginia Beach, VA 23452
(757) 340-4895
Attorney for Debtor

Courtney J. Thomas, Esq., VSB#88572
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/s/ Courtney J. Thomas
Attorney for Debtor

Capital One Bank (USA), NA
Richard D. Fairbank, CEO
4851 Cox Road
Glen Allen, VA 23060

U.S. Bank, NA
Andrew Cecere, CEO
425 Walnut Street
Cincinnati, OH 45202

HSBC North America Holdings, Inc.
Patrick Burke
President & CEO
452 Fifth Avenue
New York NY 10018

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Label Matrix for local noticing
0422-2
Case 18-73324-FJS
Eastern District of Virginia
Norfolk
Tue Mar 26 18:15:29 EDT 2019

U.S. Bank National Association, as Trustee f
c/o Shapiro & Brown, LLP
501 Independence Parkway
Suite 2203
Chesapeake, VA 23320-5173

United States Bankruptcy Court
600 Granby St., Room 400
Norfolk, VA 23510-1915

Anesthesia Specialists
138 Rosemont Road, Suite 215
Virginia Beach, VA 23452-4336

Ashley Funding Services, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Atlantic Anesthesia, Inc.
134 Business Park Drive
Virginia Beach, VA 23462-6523

Bayview Medical
c/o Credit Control
11821 Rock Landing Dr
Newport News, VA 23606-4225

Bayview Physicians Group
P.O. Box 7068
Portsmouth, VA 23707-0068

Capital One
P.O. Box 30253
Salt Lake City, UT 84130-0253

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Central Credit Sevices, INC
PO Box 15118
Jacksonville, FL 32239-5118

Emergency Phys of Tidewater
c/o Credit Control
11821 Rock Landing Drive
Newport News, VA 23606-4225

HSBC Bank Nevada
c/o Portfolio Recovery Solutio
120 Corporate Blvd Ste 100
Norfolk, VA 23502-4952

Hampton Roads Radiology
c/o Eastern Account Sys
75 Glen rd Ste 310
Sandy Hook, CT 06482-1175

Lab Corp
P.O. Box 2270
Burlington, NC 27216-2270

Medical Center Radiology
c/o Credit Control Corp
11821 Rock Landing Rd
Newport News, VA 23606-4225

Mid-Atlantic Cardiothoracic Su
600 Gresham Dr #8600
Norfolk, VA 23507-1904

NAVY FEDERAL CREDIT UNION
PO BOX 3000
MERRIFIELD VA 22119-3000

Navy Federal Credit Union
P.O. Box 3700
Merrifield, VA 22119-3100

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Radius Global Solutions
9550 Regency Square Ste 602
Jacksonville, FL 32225-8169

Select Portfolio Servicing***
c/o Corporation Service Compan
1111 E. Main Street
Richmond, VA 23219-3531

Select Portfolio Servicing, Inc.
P.O. Box 65250
Salt Lake City, Utah 84165-0250

Sentara
P.O. Box 791168
Baltimore, MD 21279-1168

Sentara Healthcare
535 Independence Pkwy, Ste 700
Chesapeake, VA 23320-5192

Tiffany & Tiffany, PLLC
770 Independence Circle Ste200
Virginia Beach, VA 23455-6452

Verizon
500 Technology Dr Ste 300
Saint Charles, MO 63304-2225

Virginia Beach Gen. Dist. Ct
2425 Nimmo Pkwy
Virginia Beach, VA 23456-9122

Courtney Jordan Thomas
The Merna Law Group, P.C.
3419 Virginia Beach Blvd #236
Virginia Beach, VA 23452-4419

Eugene Stafford Cox Jr.
508 Jacqueline Avenue
Virginia Beach, VA 23462-2027

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	0
Total	31